*Eye-Opener:* **The "Evidence" Against Harry D. White, See Pages 2 & 3.**

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## America's Own Reichstag Fire

There was an unnoticed bit of unconscious self-revelation in that speech of the Attorney General's in Chicago. "Every place the Communist movement has been successful," was the way Brownell prefaced his attack on former President Truman, "it has been preceded by a period devoted to breaking down the faith of the people in their government so that it was weak and helpless in the face of a coup." Substitute "Fascist" for "Communist" and this begins to describe what McCarran, McCarthy, Jenner, Velde and Brownell have been doing.

The tactics of the gutter have been a feature of our free and easy politics ever since George Washington was accused of plotting for a crown. But surely no responsible official of Cabinet rank in our history has done more than Attorney General Brownell in the past ten days to break down the faith of the people in their government, spreading suspicion of an ex-President, a deceased Chief Justice of the U. S. Supreme Court, and an Attorney General who now sits on that high bench. Indeed the widening repercussions of the Brownell charges, if taken at face value, must also engulf the two Truman Administration officials who turned State's evidence, as it were, in the White case—former Secretary of State Byrnes and FBI Chief J. Edgar Hoover. For if they knew a Soviet spy was operating in the top reaches of the government, why did they also acquiesce in the conspiracy of silence?

If all the allegations are true, nothing White and his associates did could be so subversive as the work being done by Brownell and his Senatorial allies to shake the ordinary person's faith in the American government to its foundations. Their excursion in creating distrust, panic and insecurity has now rallied openly to its support the most powerful single figure in the American government, its sacred cow, the untouchable product of an unparalleled publicity buildup ranging from gossip columnists to comic strips, the G-man, J. Edgar Hoover. The character of the forces with which he and Brownell have joined hands was dramatically indicated by a question interjected in the midst of the Attorney General's testimony.

The interruption came when Brownell, in covering the career of Harold Glasser, said Glasser had gone to Moscow early in 1947 as adviser to the Secretary of State. "What Secretary of State was that?" Senator Jenner, sitting as chairman, asked Brownell with just the hint of a smile. Brownell replied, "Mr. Marshall." The Senator from Indiana looked as if he were about to lick his chops. The Senator who delivered the China Lobby speech calling General Marshall a front for traitors had finally won to his dubious banner the Administration of Marshall's war-time subordinate, protege and friend. A coalition of calumny had been cemented. The stage had been set for what I believe will be the dirtiest and most dangerous year in U.S. politics. The White case is our Reichstag fire.

Questions of guilt or innocence should not be allowed to hide the broader panorama of the campaign now unfolding. The misdeeds, real or imaginary, of a small group of anti-Fascist and pro-Soviet officials are being made the excuse and occasion for the rise to firm power in American life of pro-Fascist and pro-Nazi forces which resented the last war and hated Roosevelt as much as Hitler did. They are out not merely to rebuild German power abroad but to rewrite history and destroy those who opposed Hitler here at home. Stepping warily, avoiding anti-Semitism which they regard as the Fuehrer's cardinal error, they are out to defame Truman, to desecrate the memory of Roosevelt, to smear our wartime leadership, and to use against the popular aspiration for social welfare the same tactics of panic, terror and repression which Fascism wielded in Japan, Germany and Italy.

## Was Eisenhower A Pro-Red Conspirator, Too?

It is fortunate for the helpless and ineffectual Eisenhower that he is the Republican President, or these forces would already be giving him the same treatment they gave Marshall. The installment of Churchill's memoirs published by the New York Times on Friday, November 13, shows Eisenhower may be accused as easily (if as unfairly) of "selling out" Central Europe to Communism as Marshall has been for "selling out" China. Churchill writes that it was politically important for the Anglo-American armies in March, 1945, to seize Berlin ahead of the Russians despite previous agreement and to meet the Red Army as far to the East as possible. Churchill complains that Eisenhower, without consulting the British and "short-circuiting . . . the highest authorities, both military and constitutional," communicated directly with Stalin a decision to strike south toward Leipzig instead of Berlin and (as agreed at Yalta) to meet the Red Army on the Elbe.

Churchill writes that Marshall upheld Eisenhower against the British and (as the *Chicago Tribune* and the *Washington Times-Herald* have already noted in a restrained but gleeful editorial) that when Eisenhower's dispatch arrived in Moscow the commander of the American military mission, Gen. John R. Deane, was so disturbed by its contents that he delayed delivery for 20 hours before handing the message over to Stalin. This is an incident made to order for Jenner, McCarthy and Velde. If history is to be rewritten by hindsight, if motives are to be twisted by malice, Eisenhower may yet face accusations as unscrupulous as those levelled at Truman.



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# Mr. Truman Loses The First Ronnd

**Mr. Truman has never been more effective** or moving than in his TV address Monday night. I am sorry to say, however, that after hearing Brownell and Hoover next day, I believe he lost the first round. He shifted from the story that he fired White as soon as he learned that White was disloyal to the story that he kept White on in order to give the FBI a chance to trap him and his associates. This gave Hoover an opportunity to pay off some old scores: Truman as Senator was critical of FBI methods and opposed wire-tapping. As President, he declined to put Hoover in charge of the newly established Central Intelligence Agency, which was kept independent of the FBI. When Truman's long-time friend, Max Lowenthal, dared publish a full length critical book on the FBI in 1950, Truman with characteristic spunk declined to disown him. As the Red scare campaign gets rolling, the plans are to strike at Truman through Lowenthal. Last Monday a week the *Chicago Tribune* and the *Washington Times-Herald* had an 8-column line page one sensation about a "plot" to smear the FBI, referring to Lowenthal and to Dean Acheson's law partner, Charles Horsky, who once signed a report critical of FBI wire-tapping.

I suspect that one reason Truman paid so little attention to the report on White and praised White when the latter retired from government service is that Truman had a healthy contempt for FBI loyalty reports. Unfortunately he did not take the risk of candor in his speech and gave up the one line of defense left him when he assumed White's guilt. Had Truman made the point that the charges were unproven, had he pleaded a man's right to the presumption of innocence, he would be in a better position to counter-attack now on the only grounds which seem open to him—and that is the nature of the evidence against White and his associates.

# What of The Evidence Against White?

**Hoover has also shifted his grounds.** The Lowenthal book, a carefully documented study by one of the country's ablest lawyers, quotes (p. 439) from a 1942 radio speech in which Hoover, explaining his methods, said: "The Federal Bureau of Investigation has operated on the premise that we should first find out who the spies are who are working against our national welfare, and then, carefully keeping them under scrutiny, ascertain their sources of information, the identity of their associates, their methods of communication, and finally taking over the supervision of the spy ring until the time comes to take them into custody. In other words, we have followed the practice of counterespionage, namely spying on the spies." Charges so serious against White and his associates called for thorough investigation with an eye either to prosecution or clearance. The FBI is supposed to enforce the law, not merely collect half-proven surmise for half-baked loyalty proceedings.

Unfortunately there was no Democrat on the Jenner committee with the nerve to raise these or any other real questions with Hoover, nor to question Brownell about the difference between his Chicago address and the two FBI covering letters to the White House which he put into evidence. Brownell in Chicago said flatly, "White was a Russian spy. He smuggled secret documents to Russian agents for transmission to Moscow. Harry Dexter White was known to be a Communist spy by the very people who appointed him . . ." But this is not what the two Hoover letters to the White House said. That of November 8, 1946, said persons in the government were furnishing information "to persons outside the Federal government, who are in turn transmitting this information to espionage agents of the Soviet government." At the present time, the letter went on, "it is impossible to determine examtly how many of these people had actual knowledge of the disposition being made of the information they were transmitting." Hoover said he was investigating to determine "the degree and nature of the complicity of these people." White was on a list of persons who were "either participants in this operation *or were utilized* by principals in this ring." (Italics added).

The letter of February 1, 1946, transmitting the special report on White to the President is also inconclusive. It says first of all that information had come to the attention of the FBI "charging White as being a valuable adjunct to an underground Soviet espionage organization." A "valuable adjunct" is not necessarily a spy. The letter also says that "Material which came into his [White's] possession as a result of his official capacity allegedly was made available *through intermediaries* to Nathan Gregory Silvermaster" (italics added) who in turn was alleged to have been photographing the documents for transmission. Finally Hoover refers to a Canadian source fearful lest White become head of the International Bank, or the International Monetary Fund. "Fear was expressed," Hoover wrote, "that facts might come to light in the future throwing some sinister accusations at White and thereby jeopardize the successful operation of these important international institutions." There was no need to wait for sinister accusations in the future if White was already known to be a Soviet spy.

# Just Like Mc Carthy at Fort Monmouth

The wording of these two letters by J. Edgar Hoover to the White House at the time of the White appointment fails to support Brownell's statements. Hoover did not say White was a spy, nor that he was smuggling secret documents to Russian agents. How can Brownell say that Truman knew these to be facts when Hoover did not assert them as facts? Hoover's words throw an unflattering light on Brownell's statement in Chicago, "there certainly was no reason why the Senate could not be informed of the established fact that White was a spy." The fact was not established.

**In his statement to the Jenner committee,** Hoover said the "Red Fascists distort, conceal, misrepresent and lie to gain their point." He and Brownell were not exactly models in their own presentation. Like McCarthy in the Fort Monmouth farce, they were stepping out from behind the closed curtains to present their own little driblets of the alleged evidence as suited their purpose. This piecemeal *ex parte* presentation, with *no one present to ask questions on behalf of the accused*, is a long way from the kind of serious inquiry and fair trial called for by such grave charges.

The *Washington Post*, supporting Brownell and Hoover, speaks of the "devastating nature" of their "factual presentation." But the only thing "devastating" about their report is how little factual material they offer to support these allegations. There is first of all the anti-climactic description by Brownell of the section in the FBI report relating to "White's known contacts with Russian officials over the years." Brownell said this "cannot be declassified." Just why is not clear since Brownell goes on to admit that "these contacts were not inconsistent with the regular performance of White's duties and considered by themselves are not incriminating."

There is next the gobblydegook section which describes the results of FBI surveillance. Brownell claims that the FBI report on White "contains much corroborative evidence which cannot be made public either because it would disclose investigative techniques or because it might be harmful to the national interest." Presumably the former refers to wire-tapping and opening of mail. The latter may mean anything or nothing. But if White was passing out material and the

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FBI, forewarned by Bentley, put him and his associates under surveillance, it would do no harm to the national security now to report that one had been seen passing information to another, that Silvermaster had been caught copying documents or that an FBI agent had seen a courier picking them up. The espionage had to take place somewhere in some tangible form. What did the FBI find when it watched these people?

**Brownell's answer is that "it can be pointed out" that "over** a period of three months beginning in November of 1945 the activities of Harry Dexter White were entirely consistent with all the previous information contained in the report." Does that mean he passed out documents? Apparently not. Apparently all it means is—and let us return to Brownell's own words: "White was in frequent close personal contact with nearly every one of the persons named as his associates in the spy ring." But most of these people were fellow employes of the Treasury. What in this context does "close personal contact" mean?

The Attorney General goes on with exactly the kind of vague stuff familiar in loyalty proceedings. White made a trip to see a doctor in Newark who "had been reported by numerous sources as having had frequent and close contacts with numerous Communists in the State of New Jersey." White was seen at the home of Alger Hiss. White and his wife visited Maurice Halperin, who in turn was alleged to be a Communist and to have passed on information to a courier. White had "close personal" relations with Frank Coe, who was then one of his chief assistants in the Treasury.

**Brownell does not say that these three months of surveillance proved the allegations. He says White's activities were** "entirely consistent with" the allegations. But his own description indicates that this vague phrase merely means that White did associate with the close associates who were alleged to be Soviet agents. If this was the kind of stuff presented the following year to the grand jury which heard these charges, it is no wonder that no indictment was returned.

# What They'd Be Saying if Hoover Were A New Dealer

The record is so extraordinary that if Hoover were a New Dealer instead of a rightist, he would be the main target of the witch hunt attack. Let us look at the record as we now know it. Frank Coe was accused by Whitaker Chambers in 1939. Silvermaster was up on loyalty charges in 1942 and was cleared with White's support; Hoover complains that when the FBI interviewed White in March, 1942, he "spent more time in denouncing" loyalty investigations than "in furnishing facts." Chambers named White as part of the Communist underground in March, 1945, and August, 1946, though as late as that (six months after the White appointment) Chambers told the FBI "It was not a spy ring, but one far more important and cunning because its members helped to shape policy in their departments." (Memorandum of conversation with Ray Murphy, August 28, 1946).

**The extraordinary thing** is that with these early tips from Chambers and later Bentley, and all the opportunities for surveillance, the wire-tapping, the mail covers and the spies inside the Communist party, the FBI failed to get a single indictment, much less conviction, for espionage from among all the people named by Bentley and Chambers. If Hoover were a New Dealer, he would be accused of covering up for the Reds.

There's something fishy about this business, though one despairs of ever disentangling the false from the true. Bentley's story does not seem to be quite the same as Hoover's; she says she made her first contact with the FBI in August; he says she told her story on November 7, 1945. He sent his first letter to the White House the very next day, but one would never guess from its wording that this was something freshly told by a new informant and as yet unchecked, nor that Bentley's story of spying differed so sharply from that which Whitaker Chambers had been telling of a Communist ring in the government concerned only with policy.

Were there ever the American equivalent of a British Royal Commission to provide a real investigation, attention might usefully be focused on Bentley's later testimony that White drew up the Morgenthau Plan to "pastoralize" Germany in order to further Communist ends; this seems contrived since an examination of Communist publications at the time shows the party's opposition to the Morgenthau plan.

**The mystery which haunts the whole affair** is why that 1947 grand jury returned not a single indictment against any person Bentley named. There is no statute of limitations on war-time espionage. A showing of intent to help a foreign power is enough to convict even though there was no intent to injure the United States. The strict two witness rule which governs prosecutions for treason does not apply to espionage. A lesser indictment for conspiracy or attempt to commit espionage might have been returned. There is no technical reason of law that I can find which would prevent indictment or conviction on the basis of Bentley's testimony alone if sufficiently credible to the jury. Nine persons named by her, including White and Coe, denied her charges under oath in 1948 and could have been prosecuted for perjury, as Hiss was in denying the testimony of Chambers. This failure to indict must be seen against the background of the Truman Administration's eagerness to obtain an indictment for the 1948 campaign, both to rebut Republican charges and to strike a blow at the Wallace movement, which the Democrats then feared.

Hoover said of Bentley in his testimony last week that she had been "subjected to the most searching of cross-examinations; her testimony has been evaluated by juries and reviewed by the courts and has been found to be accurate." The fact is that only a single person named by her has been convicted, and that was several years later. This one conviction is so peculiar that it undermines the implications Hoover intended to convey.

**Next Week's Eye-Opener: The Only "Spy" Bentley Convicted**


## ROBIN HOOD'S IN DANGER — ACT QUICKLY BEFORE THEY GET SANTA CLAUS!

Those censors who sniffed subversion in Nottingham Forest may soon be getting around to that (*Red* costumed) free spending old fellow Kris Kingle, no Kautious Kapitalist he. While there's time, in renewing your subscription, add $4 and send the *Weekly* as a Christmas gift to a friend, or at the same rate to several. You'll keep the gray streaks out of the harassed publisher's whiskers by doing this form of Xmas shopping early, too, and we'll send a gift card announcement to your friend or friends.

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## JENNINGS PERRY'S PAGE

# Who'll Tell Hummon What Webster Told Hayne?

*There's no denying that* Gov. Herman E. Talmadge of Georgia, lately emerged as the most outspoken spokesman of those patriots determined to preserve segregation in the public schools as part of the American Way, is both quick on the trigger and slick on the dodge.

Having already proclaimed that his own state, like neighboring South Carolina, is ready to junk its school system to evade a possible Supreme Court ruling against segregation, Old Gene's lively son now is crying the charge that the Court itself, if it should hold that public schools must be open to all alike, would be guilty of "nullification."

The charge is intended, of course, to build up blame to hide blame; and all in fanning this quaint backfire the Governor doggedly dances away from the crucial question of whether, in any case, Georgia proposes to comply with or defy the law of the land. Over and over again in a recently televised interview he slid off of this point, protesting always that if there should be any contempt of the law, "radical groups" (the Court) would commit it.

*The interrogation did produce* one exchange in which the wily Governor apparently outfoxed himself. He was asked if in essence the game of the segregationists were not to play with the Court when the Court was on their side but against the Court when the decision was the other way.

Gov.: "Not necessarily. I don't mean to say that the people would fail to comply with any decision of the Supreme Court of the United States; but if they had to, they would resort to the extreme measure of abolishing the public school system itself *rather than comply* with such an order of the Supreme Court."

The italics are mine. The report is from Governor Talmadge's own weekly *The Statesman*. In the same issue, in a lengthy signed editorial, the Peach State's Calhoun solemnly juggles the nonsensical proposition that legality of "separate but equal" public schools hinges on whether the men who now compose the Supreme Court "believe that the Constitution of the United States means what it says or whether it means what they might say it says."

*It was later, at the conference* of Southern governors at Hot Springs, Va., that Gov. Talmadge handed down his personal dictum on the legality of any Supreme Court ruling in which a majority of the justices should express the belief that the basic law forbids discrimination in education: it would be "blatantly unconstitutional."

More respectful and more reasonable patriots well may be shocked by the aspersions directed at the Court before the fact by the Georgia executive and perhaps merely bored by his twisting and turning—before the fact—on the question of what his state will do to maintain segregation in education "in any case." A present day patriot of Daniel Webster's turn undoubtedly would be inclined "to run the honorable gentleman's doctrine a little into its practical application," to ask him as a lawyer—as Webster asked Hayne when South Carolina set out to nullify the tariff laws—how he proposes to circumvent a court ruling against segregated schools and avoid treason?

The Governor does have a plan—or plot to do away with the school system "and subsidize the child rather than the political unit of government." But would not the school teachers of Georgia, pledged to uphold the Constitution, deem it "somewhat dangerous to resist a law of the United States?" Would not the transfer of school properties to "private operation" be quite too thin a pretense? Would not the Court surely hold again that even the State of Georgia cannot do by indirection what is forbidden by law?

*"If a thing can be done,"* Webster told Hayne, "an ingenious man can tell *how* it is to be done." But plainly neither Gov. Talmadge nor his brash mentor in this matter, Gov. Byrnes, have yet hit upon a foolproof formula for staying in the Union while excepting themselves—by any ruse—from what the Supreme Court says that the Constitution says.

Of course there is—or was—secession. That has been tried.

*Don't Rue It, Do It.*

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